

		BOARD POLICY		POLICY NUMBER POL 100-22
Title:	Temporary Assistance for Needy Families Program Pre-Penalty Counseling and Work Penalties			
Effective:	2/15/2024	Revised:	N/A	
Supersedes:	N/A	Version:	01	

I. OF INTEREST TO

This policy is applicable to the South Florida Workforce Investment Board (SFWIB) dba CareerSource South Florida (CSSF) American Job Centers (AJC), Service Providers, Youth Service Providers, and partners.

II. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to local workforce development area (LWDA) 23 regarding the work penalties and pre-penalty counseling requirements for non-compliant Welfare Transition (WT) participants in the Temporary Assistance for Needy Families (TANF) program.

III. BACKGROUND

Florida Statutes section 445.024–Work Requirements, lists the work activities a WT participant must be engaged in, either individually or in combination, to satisfy the work requirements for a participant in the Temporary Cash Assistance (TCA) work program. Each participant who is not exempt from TANF is required to participate in work activities or other activities as identified in the Individual Responsibility Plan (IRP) or Alternative Responsibility Plan (ARP) as a condition of continued eligibility for TCA. Deferred participants are required to participate in other activities as identified in the ARP as a condition of continued eligibility for TCA.

IV. STATUTORY AUTHORITIES

- [Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193](#), Section 408
- 45 Code of Federal Regulations (CFR) [261.16](#); [261-30](#)
- Florida Statute Chapters [414.065](#); [445.024](#)
- [Florida Administrative Code Chapter 65](#)
- CareerSource Florida [Administrative Policy 037](#), Pre-Penalty Counseling and Work Requirement Penalties

Approved By: Rick Beasley, Executive Director	DocuSigned by: 	3/14/2024
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V. DEFINITIONS

- A. Alternative Requirement Plan (ARP) – means a written document, developed jointly by local American Job Center (AJC) staff and the participant, which details alternative activities that the participant will be engaged in to move towards program participation and/or employment. Said plan remains in effect until it is no longer needed.
- B. Deferral – means individuals whose barriers impede their ability to comply with work activities and are therefore deemed exempt from participating in the required activities.
- C. Exempt – means a participant is considered exempt when he or she is not required to comply with work activities.
- D. Good Cause – means a participant's inability to participate in work requirements due to circumstances beyond their control.
- E. Individual Responsibility Plan – means a mutually agreed upon contract between the AJC staff and participant that outlines specific employment goals, services to be provided to participant, training, work activities, expectations of AJC staff, and other specific information that the participant will be engaged to fulfill his/her work activity requirements
- F. Penalty – occurs when a participant fails to comply with program requirements..
- G. Protective Payee – means an individual assigned by the DCF to receive public assistance payments on behalf of another person.
- H. Sanction – means a temporary reduction or termination of cash benefits that is applied to a TANF case when a participant fails to meet the work participation requirements without establishing good cause or demonstrating compliance.

VI. POLICY

Each mandatory adult participant in a family who does not meet an exception to participate in work activities or the ARP shall be required to engage in countable core and core plus work activities for up to 40 hours per week. Core activities can stand alone and do not require another activity to count towards participation. Core plus activities must be accompanied by a minimum number of hours of participation in a core activity to count towards participation. There are 12 core and core plus activities to which a participant can be assigned.

Failure of a participant to comply with work activities, without an exception or good cause, shall result in penalties being applied. Request for non-compliance work penalties shall be made to the Department of Children and Families (DCF) by the AJC staff when an individual in a family receiving TCA fails to engage in required work activities.

VII. PRE-PENALTY COUNSELING

Prior to imposing a penalty, AJC staff shall notify the participant and counsel the individual regarding the consequences of non-compliance and that she or he is subject to a penalty for failing to comply with the work activities or ARP requirements. The participant shall be notified both verbally and in writing. When appropriate, the participant shall be referred for services that could assist the individual to fully comply with program requirements.

A participant who has good cause for non-compliance, demonstrates satisfactory compliance, or has obtained employment shall not be penalized. It is imperative that AJC staff ensures sanctions are not imposed when a participant has demonstrated good cause for failing to comply.

AJC staff shall follow all applicable laws, regulations, policies, and procedures when making a determination as to whether a participant has complied with work activities detailed in their plan.

VIII. NON-COMPLIANCE PENALTY EXCEPTIONS

Penalties for non-compliance shall not apply to the state's 48-month time limit for receipt of TCA. AJC staff shall not request a sanction until a participant has been allowed an opportunity to determine whether the individual meets one of the following exceptions for non-compliance related to:

1. Child care
2. Domestic violence
3. Treatment or remediation of past effects of domestic violence
4. Medical incapacity
5. Outpatient mental health or substance abuse treatment
6. Application for, or appeal of denial for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI)
7. Other good cause exceptions for non-compliance

The aforementioned situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance.

The AJC staff shall determine exceptions to non-compliance penalties based on the information provided by the participant. Good cause or exceptions to non-compliance determinations must be documented in the participant's case file in the appropriate system and a copy of the supporting documentation must also be obtained and maintained in the file.

AJC staff and the participant shall jointly develop an ARP if the individual demonstrates limitations to assigned work activities and IRP requirements. The ARP must include activities that are within the participant's capacity to achieve. Penalties shall only be applied to individuals who do not comply with the IRP or ARP, does not meet an exception, or does not demonstrate good cause.

IX. PENALTY IMPLEMENTATION

Failure or refusal of an individual to become fully engaged in work activities or alternative plan requirements may result in time limited benefits ending before the family becomes economically self-sufficient. In accordance with section 414.065, Florida Statutes, an individual who fails to meet program requirements without good cause will have penalties imposed which will result in loss of TCA benefits and food assistance for the family.

Penalties for non-compliance lasts from 10 days to three months or longer depending on the amount of time it takes an individual to comply with the work activities or ARP requirements. Prior to making a penalty request to DCF for a non-compliant participant, AJC shall document pre-penalty counseling and any additional steps taken to facilitate participant compliance. There are three levels of TCA penalties or sanctions that may be applied to families with individuals that are non-compliant. Sanctions shall be requested by entering the appropriate information in One Stop Service Tracking (OSST).

A. Noncompliant Participants

Participants shall be considered noncompliant due to failing to meet program requirements. Noncompliance shall include, but is not limited to, failure to:

1. Keep a scheduled appointment;
2. Participate in assigned work activities or other assigned activities;
3. Accept or the refusal of referrals to suitable employment;
4. Follow a treatment plan or alternative requirement plan; or
5. Provide requested documentation.

Participant's whose cash assistance case has been closed due to a sanction and the participant reapplies for cash assistance, the DCF must refer the participant to AJC staff to comply with the program requirements. Once the participant has complied, the AJC staff shall send a request to the DCF to lift the sanction and approve benefits.

B. Protective Payee

Individuals sanctioned under a level two or three penalty may request a protective payee to receive TCA on behalf of the children. The protective payee shall be designated by the DCF. Sanctioned participants with a protective payee who reports they have obtained employment is not eligible for transitional benefits or services.

However, the AJC shall advise the participant to comply with work requirements and serve the penalty period in order to have the sanction lifted and assist the individual by providing referrals to community agencies to further assist the participant in securing support for retaining employment.

C. Good Cause Reasons for Noncompliance

A participant with a legitimate, documented reason that prevents him or her from complying with an assigned work activity is considered good cause. If good cause is established, the participant shall be deemed exempt from participating in the required activities. The AJC staff shall be responsible for determining if good cause exists for noncompliance. A participant who reports good cause as a reason for noncompliance shall be required to submit verification to substantiate their claim only if requested by the AJC staff.

The AJC staff shall clearly communicate to a participant that although good cause for not participating has been established, the individual's family's time limits for TCA continue to apply. Consequently, it is counterproductive for the participant to engage in repeated episodes of "excused participation". Valid reasons for noncompliance are only intended to address very limited exceptions. As a result, AJC staff shall not allow a participant to use repeated excuses as a mechanism to circumvent the strong emphasis on employment

and work opportunities in accordance with federal, state, and local laws, regulations, policies, procedures.

X. PRIOR PENALTY FORGIVENESS

A participant who have fully complied with work activity requirements for at least six months without new penalties being imposed, shall have all prior TCA penalties forgiven and the individual will begin with a “clean slate”. Thereafter, if the participant becomes noncompliant after having been compliant for six months, it shall be considered as their first penalty and the penalties associated with the current offense will apply.

XI. STATE AND LOCAL MONITORING

The AJC staff shall enter data and case notes into the applicable state management information system accurately and timely. Services and activities provided through the Welfare Transition program shall be monitored annually for compliance with programmatic requirements by the Florida Department of Commerce (Florida Commerce). Florida Commerce will monitor the requirements outlined in the CareerSource Florida Administrative Policy 037 and local operating procedures.

Local monitoring shall be conducted by the SFWIB Office of Continuous Improvement.

XII. EXCEPTIONS

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.